

AMENDED AGENDA #1
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Monday, January 17, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ww55/>

SUBJECT	DESCRIPTION	PRESENTER
INTRODUCTIONS	INTRODUCTION of Haydon Madison as Committee Page.	Chairwoman Lodge
<u>RS 29128</u>	A SENATE RESOLUTION to acknowledge January 22 as Idaho's Day of Tears.	Senator Souza
<u>RS 29148</u>	RELATING TO THE SECRETARY OF STATE to amend provisions regarding payment methods for filing fees.	Jason Hancock, Deputy Secretary of State

COMMITTEE MEMBERS

Chairman Lodge

Vice Chairman Guthrie

Sen Winder

Sen Anthon

Sen Harris

Sen Lee

Sen Heider

Sen Stennett

Sen Burgoyne

COMMITTEE SECRETARY

Twyla Melton

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MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, January 17, 2022

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Guthrie, Senators Anthon, Harris, Lee, Heider, Stennett, and Burgoyne

ABSENT/ EXCUSED: Senator Winder

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairwoman Lodge** called the Senate State Affairs Committee (Committee) to order at 8:00 a.m.

INTRODUCTION: **INTRODUCTION** of Haydon Madison as Committee Page.

Chairwoman Lodge welcomed Haydon Madison and asked him to tell the Committee about himself, what he expects to learn, and what his goals are. **Mr. Madison** stated he is from Nampa, is a seventh generation Idahoan, and attends Nampa High School. He thought this would be an opportunity to learn about government and this great system that has been in place for about 250 years. **Mr. Madison** said he has been accepted at Boise State University and will be studying Business Administration. Currently, he is working on his mortgage brokers license and will be taking the test at the end of January.

RS 29128 **A SENATE RESOLUTION** to acknowledge January 22 as Idaho's Day of Tears.

Senator Souza, District 4, presented **RS 29128**. She stated that 49 years ago, the U. S. Supreme Court made a ruling that abortion was a right under the 14th Amendment. She provided some statistics for the number of babies that have been aborted since then and explained that, traditionally, flags are lowered so that families may find healing. January 22nd would be designated as The Day of Tears when one could lower the flag. **Senator Souza** named the states that passed this resolution in 2021: Alabama, Arkansas, and Louisiana. This year, there are resolutions being considered in Ohio, Tennessee, West Virginia, Oklahoma, Mississippi, South Carolina and Idaho. Two resolutions are being presented in Congress, one of which Idaho Congressman Russ Fulcher is a cosponsor.

Senator Souza stated that Catherine Davis, a member of the pro-life community, serves on the Day of Tears Advisory Board, and is founder and director of the Restoration Project. She has partnered with the Frederick Douglass Foundation, National Black Pro-Life Coalition, and the Network of Politically Active Christians in this effort. The Day of Tears, Inc. is a nonprofit organization committed to saving lives of unborn children. **Senator Souza** read the full resolution.

DISCUSSION: **Senator Guthrie** stated his support of the resolution and asked what the expectation would be for government buildings. **Senator Souza** responded that there was no requirement for government buildings – that decision would be up to the administration.

Senator Burgoyne stated his understanding of the appeal of this resolution, but there is profound philosophical, political, and religious disagreement over the issue

of abortion. He stated that by involving the American flag, the flag becomes a participant in that conflict – that is not a proper use of the flag.

Senator Burgoyne noted that there are many people in our society and around the world that are killed intentionally such as collateral damage in war or because of acts of terrorism. The taking of any life is regrettable. To take this one instance of what is considered life by some and elevate it to this level and put our flag behind it – what does it say about those other deaths? **Senator Burgoyne** said there are many reasons why he is voting against this resolution, but this is also a larger part of a religious dispute. That is not something this Legislature, Congress, or any state or the national government can take a position on and still be consistent with the First Amendment of the United States Constitution and correlative amendments in state constitutions. He stated his belief that the government should stay out of this issue.

MOTION: **Senator Harris** moved to send **RS 29128** to print and then to the 10th order of business. **Senator Anthon** seconded the motion. The motion carried by **voice vote**. **Senators Stennett** and **Burgoyne** were recorded as voting nay.

RS 29148 **RELATING TO THE SECRETARY OF STATE** to amend provisions regarding payment methods for filing fees.

Jason Hancock, Deputy Secretary of State, explained that **RS 29148** makes a change to Idaho Code allowing for candidates to pay filing fees with a credit card which current law does not permit. An emergency clause is included to meet the February 28th timeline by when candidates can file.

DISCUSSION: **Chairwoman Lodge** asked if this had happened in the past. **Mr. Hancock** replied that it happened two years ago during the last primary. There was a new election staff and inadvertently, credit cards were taken.

Senator Guthrie stated that using a credit card could also mean using debit cards for filing which could incur credit card fees. Relating to the fiscal note, just because credit cards were taken two years ago does not mean there was not a fiscal impact; the impact would be the credit card fees. He also asked for information about the estimated amount. **Mr. Hancock** said he would run that calculation.

Senator Stennett asked if the State would be picking up the fees associated with using a credit card. **Mr. Hancock** explained that the filing fee is set by law so any additional charges would come from the net amount going to the general fund.

Senator Stennett noted that for all other government fees paid by credit cards, the fee charged by the credit card company is paid by the customer; this includes Department of Motor Vehicles and other licenses paid by the public.

Senator Burgoyne questioned the amount of \$50 and how it would relate to the current percentage that is being paid. The amount is very small as there are only a very few candidate filings being paid by credit cards. What is the percentage banks charge for using a credit card? **Mr. Hancock** responded three percent.

Senator Lee suggested that debit cards be considered along with credit cards. She stated her agreement with Senator Stennett that the statutory requirement for the filing fee designates what amount the State receives. The credit card fees should not be considered as part of the filing fee but should be added to it.

Senator Guthrie said the fiscal impact should include an estimate based on the average number of candidates who filed in previous primary elections when determining the estimated cost.

Senator Burgoyne stated it is inequitable if the candidates do not pay the three percent fee while others who may be getting a driver's license or registering a vehicle etc. and pay by credit card, must pay the fees. Also, there should be

something in the fiscal note because, over time, there will be an increase in the use of credit cards.

Chairwoman Lodge asked Mr. Hancock if his office charges the three percent to businesses. **Mr. Hancock** did not have the answer to that question.

MOTION: **Senator Lee** moved to hold **RS 29148** in Committee. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 8:35 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary